

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ARTHUR D. COLLINS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No.
)	
LAKE HOUSE 1, LLC, a Michigan limited)	
liability company, <i>et al.</i> ,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO: The Judges of the United States District Court
for the Western District of Michigan

Pursuant to 28 U.S.C. § 1446(a), please take notice that Defendants Benjamin Lurie and Sarah Lurie, in the civil action filed as Case No. 23-0257-CZ-S in the Berrien County Trial Court, State of Michigan (the “Action”), hereby remove the Action to the United States District Court for the Western District of Michigan. The remaining defendant, Lake House 1, LLC, consents to the removal of the Action.

PROCEDURAL BACKGROUND

1. The Action was served on Lake House 1, LLC on December 4, 2023, and is pending in the Berrien County Trial Court, State of Michigan, as of this date.
2. As of this date, neither Benjamin nor Sarah Lurie have been served. They received notice of the Action on December 6, 2023.
3. The complaint in the Action alleges only that the amount in controversy exceeds \$25,000. On January 5, 2024, counsel for Plaintiffs, for the first time, disclosed that the amount in controversy is \$98,000.

4. Pursuant to 28 U.S.C. § 1446(b)(1), Defendants are filing this Notice of Removal within 30 days of Benjamin and Sarah Lurie's receipt of a copy of the initial pleading and within 30 days of obtaining information establishing the existence of diversity jurisdiction.

5. A true and correct copy of all process, pleadings, and orders filed in this case, as required by 28 U.S.C. § 1446(a), are attached as Exhibit 1.

BASIS FOR REMOVAL: DIVERSITY JURISDICTION

6. The district courts of the United States have original jurisdiction over the Action pursuant to 28 U.S.C. § 1332(a)(2), which provides that "[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of a State and citizens or subjects of a foreign state"

7. The sole member of Defendant Lake House 1, LLC is Benjamin Lurie's trust, of which he is the sole trustee.

8. Defendants Benjamin and Sarah Lurie are citizens of Italy.

9. Plaintiffs Arthur D. Collins Jr. and Sophia N. Shaw are citizens of Florida.

10. On January 5, 2024, Plaintiffs' counsel disclosed for the first time that the amount in controversy exceeds \$75,000 and now claims that the amount sought by plaintiffs is \$98,000.

11. Defendant Lake House 1, LLC consents to the removal of this Action.

12. Counsel for Defendants certify that they will provide written notification to Plaintiffs' counsel of this Notice of Removal as required by 28 U.S.C. § 1446(d). Defendants will promptly file a Notification of Removal attaching a copy of this Notice of

Removal with the Clerk of the Berrien County Trial Court, State of Michigan, where the Action is currently pending as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants, Lake House 1, LLC, Benjamin Lurie, and Sarah Lurie, pursuant to the statutes referenced above and in conformity with the requirements set forth in 28 U.S.C. § 1446, removes the case styled Arthur D. Collins Jr., as Trustee of the Arthur D. Collins Jr. Revocable Trust, and Sophia N. Shaw, as Trustee of the Sophia N. Shaw Revocable Trust v. Lake House 1, LLC, a Michigan Limited Liability Company, and Benjamin and Sarah Lurie, husband and wife, jointly and severally, Case No. 23-0257-CZ-S in Berrien County Trial Court, State of Michigan, on this 5th day of January, 2024.

Dated: January 5, 2024

Respectfully submitted,

By: /s/ Nancy A. Temple
One of Defendants' Attorneys

Nancy A. Temple
Katten & Temple, LLP
Firm #44583
209 S. LaSalle Street, Suite 950
Chicago, IL 60604
312-663-0800
ntemple@kattentemple.com

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 5th day of January, 2024, served a copy of the foregoing Notice of Removal on counsel of record for all parties to this proceeding through the Court's electronic filing system.

By: /s/ Nancy A. Temple
One of Defendants' Attorneys

Nancy A. Temple
Katten & Temple, LLP
Firm #44583
209 S. LaSalle Street, Suite 950
Chicago, IL 60604
312-663-0800
ntemple@kattentemple.com